

Appl. No. 10/089,338  
Atty. Docket No. AA431  
Amdt. dated September 1, 2005  
Reply to Office Action of July 27, 2005  
Customer No. 27752

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

1. (currently amended) An absorbent article ~~having comprising a pair of longitudinal side edges, a liquid pervious topsheet, a liquid impervious backsheet joined to said topsheet, a body surface, a garment surface, and the absorbent article comprising~~ and an absorbent core positioned between said topsheet and said backsheet, said absorbent article comprising: wherein-  
  
at least a portion of the absorbent article has an oil-based a skin care composition provided on at least a portion of said topsheet, thereon, and  
  
a flap extending laterally outwardly from each longitudinal side edge, said flap comprising a garment surface, said garment surface of said flap comprising a flap adhesive, and  
  
the absorbent article has a flap adhesive cover covering said flap adhesive, said flap adhesive cover comprising a barrier sheet to reduce the migration of the skin care composition therethrough, the barrier sheet comprising a base sheet two surfaces, wherein one surface of the base barrier sheet is treated with a composition comprising a component selected from the group consisting of fluorochemicals, hydrophilic polymers, inorganic particles, and mixtures thereof.
- 2-8. (canceled)
9. (previously canceled)
10. (currently amended) The absorbent article of Claim 1 ~~3 wherein the base sheet has two surfaces, wherein the base sheet is treated with a composition comprising a component selected from the group consisting of fluorochemicals, hydrophilic polymers, inorganic particles, and mixtures thereof, and at least one surface of the base barrier sheet is treated releasably.~~

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### Claim Status

Claims 1 and 10 are pending in the present application. No additional claims fee is believed to be due.

Claims 2-8 are canceled without prejudice. Claim 9 was previously canceled.

Claim 1 has been amended to require that the absorbent article comprise a liquid pervious topsheet, a liquid impervious backsheet joined to the topsheet and an absorbent core positioned between the topsheet and backsheet. Support for the amendment is found at page 5, lines 19-21 of the specification. Claim 1 has also been amended to require that an oil based skin care composition be provided on at least a portion of the topsheet. Support for the amendment is found at page 8, line 30 – page 9, line 4, and page 19, lines 9-11 of the specification. Claim 1 has been amended to add a flap extending laterally outwardly from each longitudinal side edge. Each flap comprises a garment surface and the garments surface comprises a flap adhesive. A flap adhesive cover covers the flap adhesive. The flap adhesive cover comprises a barrier sheet. Support for the amendment is found at page 16, line 12 – page 18, line 17 and page 22, lines 12-25 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 USC §112, First Paragraph

The Office Action States that Claims 1 and 8 are rejected under 35 USC § 112, first paragraph as failing to comply with the enablement requirement.

Claim 8 has been canceled. Claim 1 has been amended to require a flap adhesive cover covering the flap adhesive comprise a barrier sheet. Support for this language is found in the specification at page 22, lines 12-25. Applicants believe that this language is in full compliance with the first paragraph of 35 USC § 112.

### Rejection Under 35 USC §102 Over Hanser

Claims 1-8 and 10 have been rejected under 35 USC §102(b) as being anticipated by Hanser (WO 98/42286). Claims 2-8 have been canceled. This rejection is traversed.

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Hanser discloses an absorbent article having a protective cover to protect the topsheet from contamination.

Amended Claim 1 of applicant's invention is directed to a flap adhesive cover comprising a barrier sheet one surface of which is treated to reduce the migration of the skin care composition therethrough. Hanser fails to disclose a flap adhesive cover according to the requirements of amended Claim 1.

Thus, amended Claim 1 and dependent claim 10 are patentable over Hanser and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Mizutani in view of Hanson-Shaw

Claims 1-8 and 10 have been rejected under 35 USC §103(a) as being unpatentable over Mizutani (US 5,683,377) in view of Hanson-Shaw (GB 2,311,727) in further view of Hilston et al. (US 5,720,739). Claims 2-8 have been canceled. This rejection is traversed.

Mizutani discloses a sanitary napkin having a release sheet on the adhesive of the backsheet and on the adhesive of the wings. Mizutani arranges the release sheet and the wrapping sheet in a particular manner to improve the ease of removal, i.e., peeling off, of the release sheets from the backsheet and wings. Mizutani fails to mention the use of a skin care composition or the problems associated therewith.

Hanson-Shaw discloses an article with a skin treatment substance thereon. Hanson-Shaw is trying to solve the problem of retaining the skin treatment substance on the article prior to the application of the article on a wearer. Hanson-Shaw solves this problem through the use of a protective cover.

One skilled in the art trying to solve the problem of preserving the adhesive properties of an adhesive located on the wings of a sanitary napkin would look neither to Mizutani or Hanson-Shaw for direction. As each reference is trying to solve a completely different problem than that of the present invention there would be no motivation for the skilled man to even consider these two references independently. Furthermore, it is hard to see how one skilled in the art would ever consider combining Mizutani with Hanson-Shaw as each is trying to solve a completely unrelated problem. Only through the use of hindsight reconstruction would it even be possible to put these references together. Simply being disclosures directed to absorbent articles is not the requisite standard.

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Through the use of hindsight reconstruction the Office Action goes further and adds an additional reference, Hilston, to the Mizutani/Hanson-Shaw combination. Hilston is trying to solve the problem associated with tape tabs on disposable diapers. According to Hilston, there is the problem of tearing the backing sheet of the diaper when the fastening tape is released or peeled from the diaper. As the three references being combined by the Office Action are each directed to solving different and unrelated problems, there simply would be no motivation for one skilled in the art to consider combining them.

Since the triple combination, i.e., Mizutani/Hanson-Shaw/Hilston, set forth in the Office Action can only be made with the aid of hindsight reconstruction it is improper. Accordingly, the rejection of Claims 1 and 10 should be withdrawn.

#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 102 and 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 and 10 is respectfully requested.

Respectfully submitted,

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By

  
Signature

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